

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

19-CR-95 (BKS)

vs.

JARED MARC BROWN,
Defendant.

Rochester, New York
May 17, 2022
1:38 p.m.

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PLEA HEARING

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE BRENDA K. SANNES
UNITED STATES DISTRICT JUDGE

TRINI E. ROSS, ESQ.
United States Attorney
BY: JOHN J. FIELD, AUSA
BY: KATELYN M. HARTFORD, AUSA
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FOR DEFENDANT: SCOTT M. GREEN, ESQ.
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P R O C E E D I N G S

* * *

(WHEREUPON, the defendant is present.)

THE CLERK: We are back on the record in United States v. Jared Marc Brown, 19-CR-95.

All counsel are present and the defendant is present.

THE COURT: Okay. And maybe, Mr. Green, you can update us.

MR. GREEN: Thank you, Judge.

I want to say approximately at 12:45, I was contacted by the Marshals who informed me that my client had wounded himself with a plastic cup. I then -- I was still in the building -- came up a few minutes later, and spoke to Mr. Brown.

Mr. Brown has expressed to me that he wishes to plead guilty to the indictment. I spoke to him concerning where we are, at what stage we are at this particular trial, that he's not required to do so, that it's his personal choice.

There were medics who were here who saw to him. When I spoke to Mr. Brown after learning about the injury, he appeared to be calm, intent on entering a plea of guilty.

One of his concerns was staying in Monroe County, as well, too, overnight. But after observing him for the last two days, we're -- and, again, I can't speak to being an

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1 expert on Mr. Brown. Prior to starting trial on Monday, I
2 had only seen him in person one time before and that's before
3 the court. But over the last two days, he has been a perfect
4 gentleman to me. In fact, I've complimented him a couple of
5 times to indicate how well he comported himself before the
6 Court.

7 But at this particular time, Mr. Brown wants to enter a
8 plea of guilty. I personally don't see any reason to prevent
9 him from a colloquy. Of course, the Court must be satisfied
10 that this is a knowing and intelligent plea. But at this
11 point in time, that is Mr. Brown's desire.

12 **THE COURT:** Okay. And, so, does Mr. Brown seek to plead
13 guilty to the entire superseding indictment, the seven
14 counts?

15 **MR. GREEN:** Yes, Judge.

16 And the Court may recall when we were here together some
17 months ago, it was Mr. Brown's intent to plead guilty to the
18 entire indictment without a plea agreement and the government
19 had prepared a so-called Pimentel letter for that purpose.

20 So that's my long-winded answer to say, yes, he intends to
21 plea to the entire indictment.

22 **THE COURT:** Okay. And let me just ask: Mr. Brown, I --
23 well, let me do this first.

24 Mr. Brown, before I accept your guilty plea, I'm going
25 to ask you some questions so that I'm satisfied you wish to

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1 plead guilty because you are guilty and not for some other
2 reason, and also establish that you understand your rights
3 and the rights you'll be giving up by pleading guilty.

4 If you don't understand any of my questions, or if you
1:41PM 5 want to consult with Mr. Green at any time for any reason,
6 just let me know and I'll give you as much time as you need
7 because it's important you understand each question before
8 you answer.

9 And at this point I'll ask my courtroom deputy to please
1:41PM 10 swear in the defendant.

11 (WHEREUPON, defendant duly sworn.)

12 **THE COURT:** Okay. And, Mr. Brown, you're now under oath
13 which means if you answer any of my questions falsely, your
14 answers could be used later to prosecute you for the separate
1:42PM 15 crimes of perjury or making a false statement.

16 Do you understand that?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** Can you tell me your full name.

19 **THE DEFENDANT:** Jared Marc Brown.

1:42PM 20 **THE COURT:** And how old are you, Mr. Brown?

21 **THE DEFENDANT:** 25.

22 **THE COURT:** How far did you go in school?

23 **THE DEFENDANT:** Ninth grade.

24 **THE COURT:** And what work did you do before you became
1:42PM 25 incarcerated?

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1:42PM 1 **THE DEFENDANT:** Kentucky Fried Chicken.
2 **THE COURT:** How long did you work there?
3 **THE DEFENDANT:** A couple months.
4 **THE COURT:** And other than the periods of incarceration,
1:42PM 5 were you ever hospitalized for any mental illness?
6 **THE DEFENDANT:** No.
7 **THE COURT:** And right now are you under the care of a
8 doctor or psychiatrist?
9 **THE DEFENDANT:** No.
1:43PM 10 **THE COURT:** Have you ever been treated or hospitalized
11 for any kind of addiction including drug or alcohol
12 addiction?
13 **THE DEFENDANT:** Yes.
14 **THE COURT:** And can you describe what hospitalization
1:43PM 15 you've had?
16 **THE DEFENDANT:** I've had a inpatient and outpatient on
17 the streets.
18 **THE COURT:** And I didn't hear what you last said.
19 Inpatient/outpatient what?
1:43PM 20 **THE DEFENDANT:** On the streets. On the outside.
21 **THE COURT:** How long -- was that for drug or alcohol
22 addiction?
23 **THE DEFENDANT:** Drug.
24 **THE COURT:** And what kind of drug?
1:43PM 25 **THE DEFENDANT:** Everything.

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1:43PM 1 **THE COURT:** I'm sorry?

2 **THE DEFENDANT:** Everything. A lot of stuff.

3 **THE COURT:** Okay. How long ago was that?

4 **THE DEFENDANT:** Last one was like 2016.

1:43PM 5 **THE COURT:** Okay. Have you taken any drugs or any

6 medicine or any pills in the past two days?

7 **THE DEFENDANT:** No, your Honor.

8 **THE COURT:** And have you drunk any alcoholic beverages

9 in the past two days?

1:43PM 10 **THE DEFENDANT:** No.

11 **THE COURT:** And --

12 **MR. GREEN:** Judge, could I just consult with Mr. Brown?

13 **THE COURT:** Yes.

14 (WHEREUPON, a discussion was held off the record.)

1:44PM 15 **THE COURT:** I understand over the lunch break you

16 injured yourself?

17 **THE DEFENDANT:** Yes, your Honor.

18 **THE COURT:** Can you tell me what you did?

19 **THE DEFENDANT:** I used a piece of plastic and I cut

1:44PM 20 myself.

21 **THE COURT:** And where did you cut yourself?

22 **THE DEFENDANT:** In the crook of my arm (indicating).

23 **THE COURT:** And did you also insert something in your

24 penis?

1:44PM 25 **THE DEFENDANT:** Yes, your Honor.

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1:44PM 1 **THE COURT:** What was that?

2 **THE DEFENDANT:** A piece of plastic.

3 **THE COURT:** Okay. And as you sit here right now, are

4 you in any pain?

1:44PM 5 **THE DEFENDANT:** No, your Honor.

6 **THE COURT:** Are you -- as you sit here today, is your

7 mind clear?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** And do you understand what's happening

1:44PM 10 today?

11 **THE DEFENDANT:** I do.

12 **THE COURT:** Okay. Have you spoken with your attorney

13 about your decision to plead guilty today?

14 **THE DEFENDANT:** Yes.

1:45PM 15 **THE COURT:** Okay. And let me ask Mr. Green.

16 In your opinion right now as we take this plea, is

17 Mr. Brown capable of understanding the nature of this

18 proceeding?

19 **MR. GREEN:** I believe so, yes.

1:45PM 20 **THE COURT:** And, in your opinion, does he understand the

21 rights that he'll be waiving by pleading guilty?

22 **MR. GREEN:** Yes. And to note, we've gone over those

23 rights many times in the past, too.

24 **THE COURT:** And have you seen anything to indicate that

1:45PM 25 whatever he did to himself over the lunch break is

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1 interfering with his ability to think clearly?

2 **MR. GREEN:** No, your Honor. I think Mr. Brown seems to
3 understand what's going on right now.

4 **THE COURT:** Okay. And let me ask the government.

5 Does government counsel have any doubt as to the
6 defendant's competence to plead guilty at this time?

7 **MR. FIELD:** The government has no basis to hold a
8 position one way or the other, your Honor, but I've not
9 learned anything specifically that would cause any concerns.

10 **THE COURT:** Okay. On the basis of Mr. Brown's responses
11 to my questions and my observations of his demeanor in
12 court -- and I have reviewed all of the psychological
13 evaluations in this case. All of the persons who evaluated
14 you determined that you were competent to stand trial.

15 So, taking those, also, into consideration, the
16 representations of counsel, I do find that Mr. Brown is fully
17 competent to enter an informed plea of guilty at this time.

18 Mr. Brown, have you received a copy of the superseding
19 indictment containing the charges against you?

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** And have you read the superseding
22 indictment?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** Have you had enough time to fully discuss
25 with Mr. Green the charges to which you intend to plead

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1:46PM 1 guilty and any possible defenses to those charges?

2 **THE DEFENDANT:** Yes, your Honor.

3 **THE COURT:** Has Mr. Green advised you of your rights?

4 **THE DEFENDANT:** Yes.

1:46PM 5 **THE COURT:** And has he explained the consequences of
6 entering a plea of guilty?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** Is there anything you would like to ask the
9 Court about this proceeding?

1:47PM 10 **THE DEFENDANT:** No, your Honor.

11 **THE COURT:** Are you fully satisfied with Mr. Green's
12 representation?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** And, Mr. Brown, I'm now going to explain
1:47PM 15 certain Constitutional rights that you have. These are the
16 rights that you will be giving up if you enter a plea of
17 guilty.

18 Please listen carefully to what I'm about to say. And
19 if you don't understand something, stop me and your lawyer or
1:47PM 20 I will explain the matter more fully.

21 Under the Constitution and laws of the United States,
22 you have a right to plead not guilty to the charges in the
23 superseding indictment.

24 Do you understand that?

1:47PM 25 **THE DEFENDANT:** Yes.

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1:47PM 1 **THE COURT:** If you did plead not guilty, you would be
2 entitled to a speedy and public trial by a jury on the
3 charges contained in that indictment; do you understand that?

4 **THE DEFENDANT:** Yes.

1:47PM 5 **THE COURT:** At trial, you are presumed to be innocent
6 and the government would be required to prove you guilty by
7 competent evidence beyond a reasonable doubt before you could
8 be found guilty; do you understand that?

9 **THE DEFENDANT:** Yes.

1:48PM 10 **THE COURT:** A jury of 12 people would have to agree
11 unanimously that you were guilty and you would not have to
12 prove that you were innocent if you were to go to trial.

13 Do you understand that?

14 **THE DEFENDANT:** Yes.

1:48PM 15 **THE COURT:** At that trial and at every stage of your
16 case, you would be entitled to be represented by a lawyer.
17 And if you could not afford a lawyer, one would be appointed
18 at public expense free of cost to represent you.

19 Do you understand that?

1:48PM 20 **THE DEFENDANT:** Yes.

21 **THE COURT:** During a trial, the witnesses for the
22 government would have to come to court and testify in your
23 presence. Your lawyer could cross-examine the witnesses for
24 the government, object to evidence offered by the government,
1:48PM 25 and offer evidence on your own behalf, if you so desired.

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1:48PM 1 And you would have the right to have subpoenas issued or
2 other process used to compel witnesses to testify in your
3 defense.

4 Do you understand that?

1:48PM 5 **THE DEFENDANT:** Yes.

6 **THE COURT:** At a trial, although you would have the
7 right to testify, if you chose to do so, you would also have
8 the right not to testify. And if you decided not to testify,
9 no one, including the jury, could draw any inference or
10 suggestion of guilt from the fact that you did not testify.

11 Do you understand that?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** Even now as you're entering this plea, you
14 have the right to change your mind and plead not guilty and
1:49PM 15 go to trial on the charges contained in the superseding
16 indictment.

17 Do you understand that?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** If you plead guilty and if I accept your
1:49PM 20 plea, you will give up your right to a trial and other rights
21 I've just discussed -- other than the right to a lawyer which
22 you have regardless of whether or not you plead guilty -- but
23 there will be no trial, no remaining trial. And I will enter
24 a judgment of guilty and sentence on the basis of your plea
1:49PM 25 after I've considered a presentence report and whatever

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1:49PM 1 submissions I get from your lawyer and from the government.

2 Do you understand that?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** If you plead guilty, you'll also have to

1:49PM 5 give up your right not to incriminate yourself because I will

6 ask you questions about what you did to satisfy myself that

7 you're guilty as charged. And you will have to admit and

8 acknowledge your guilt.

9 Do you understand that?

1:49PM 10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Do you understand each and every one of
12 these rights?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** And, Mr. Brown, are you willing to give up

1:50PM 15 your right to the remainder of this trial, your right to a

16 trial, and the other rights I've just discussed with you?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** And do you understand the charges in the
19 superseding indictment?

1:50PM 20 **THE DEFENDANT:** I do.

21 **THE COURT:** And could government counsel please explain
22 the charges and the elements of offenses in question.

23 **MR. FIELD:** Yes, Judge.

24 So, Count 1 of the indictment alleges a violation of

1:50PM 25 Title 18, United States Code, Section 871(a).

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1:50PM 1 It provides that on or about March 25th, 2019, in the
2 Western District of New York and elsewhere, the defendant,
3 Jared Marc Brown, did knowingly and willfully make a threat
4 to take the life of, and to inflict bodily harm upon, the
1:50PM 5 President of the United States, specifically, the defendant
6 sent a letter to the United States -- to United States Secret
7 Service Special Agent Vincent Merlino, in which the defendant
8 wrote "I'm gonna kill Donald Trump with Anthrax when I get
9 out."

1:51PM 10 The maximum possible sentence for this crime is a term
11 of imprisonment of 5 years; a fine of \$250,000; a mandatory
12 \$100 special assessment; and a term of supervised release of
13 3 years.

1:51PM 14 If the case were to go to trial, the government would be
15 required to prove the following elements of the crime beyond
16 a reasonable doubt:

17 That is, first, that the defendant mailed or wrote the
18 words alleged in the indictment to be a threat to kill, or
19 inflict bodily harm upon, the President of the United States;

1:51PM 20 Second, that these words were, in fact, a threat;
21 And, third, that the defendant made the threat knowingly
22 and willfully.

23 Count 2, Retaliating Against a United States Judge,
24 alleges a violation of Title 18, United States Code,
1:51PM 25 Section 115(a) (1) (B).

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1 It alleges that on or about March 25th, 2019, in the
2 Western District of New York, and elsewhere, the defendant,
3 Jared Marc Brown, did threaten to assault and murder United
4 States District Judge Lawrence J. Vilardo with the intent to
1:52PM 5 retaliate against Judge Vilardo on account of the performance
6 of his official duties.

7 The maximum possible sentence for Count 2 authorized by
8 law is a term of imprisonment of 10 years; a fine of
9 \$250,000; a mandatory \$100 special assessment; and a term of
1:52PM 10 supervised release of 3 years.

11 If the case went to trial, the government would have to
12 prove the following things beyond a reasonable doubt as to
13 Count 2:

14 First, that the defendant threatened to assault or
1:52PM 15 murder United States District Court Judge Lawrence J.
16 Vilardo;

17 Second, that at the time of the alleged threat, Judge
18 Lawrence J. Vilardo was a federal official;

19 And, third, that the defendant acted with the intent to
1:53PM 20 impede, intimidate, interfere with that official with the
21 intent to retaliate against that official on account of the
22 performance of his official duties.

23 Count 3 alleges Retaliating Against a United States
24 Judge's Immediate Family in violation of Title 18, United
1:53PM 25 States Code, Section 115(a)(1)(A).

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1 It alleges as follows:

2 On or about March 25th, 2019, in the Western District of
3 New York, and elsewhere, the defendant, Jared Marc Brown, did
4 threaten to assault and murder a member of the immediate
5 family of the United States District Judge Lawrence J.

6 Vilardo, that is, Judge Vilardo's spouse, with intent to
7 retaliate against Judge Vilardo on account of the performance
8 of his official duties.

9 If convicted of that count, the defendant would face a
10 maximum authorized sentence of a term of imprisonment of
11 10 years; a fine of \$250,000, a \$100 mandatory special
12 assessment; and a term of supervised release of 3 years.

13 The elements of Count 3 are:

14 First, that the defendant threatened to assault or
15 murder United States District Court Judge Lawrence J.
16 Vilardo's spouse;

17 Second, that at the time of the alleged threat, United
18 States District Court Judge Vilardo was a federal official;

19 And, third, that the defendant acted with the intent to
20 retaliate against that official on account of the performance
21 of his official duties.

22 Count 4: Retaliating Against a Federal Law Enforcement
23 Officer alleges a violation of Title 18, United States Code,
24 Section 115(a) (1) (B) .

25 It alleges as follows:

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1:54PM 1 That on or about March 25th, 2019, in the Western
2 District of New York, and elsewhere, the defendant, Jared
3 Marc Brown, did threaten to assault and murder United States
4 Secret Service Special Agent Vincent Merlino, a federal law
1:54PM 5 enforcement officer, with intent to retaliate against Special
6 Agent Merlino on account of the performance of his official
7 duties.

8 If convicted of that count, Count 4, the defendant faces
9 a maximum possible term of imprisonment of 10 years; a fine
1:55PM 10 of \$250,000; a mandatory \$100 special assessment; and a term
11 of supervised release of 3 years.

12 The elements of Count 4 that the government would have
13 to prove beyond a reasonable doubt at trial include:

14 First, that the defendant threatened to assault or
1:55PM 15 murder United States Secret Service Special Agent Vincent
16 Merlino;

17 Second, that at the time of the threat, Special Agent
18 Vincent Merlino was a federal official;

19 And, third, that the defendant acted with the intent to
1:55PM 20 retaliate against Special Agent Merlino on account of the
21 performance of his official duties.

22 Counts 5, 6 and 7 all allege violations of the same law:
23 Title 18, United States Code, Section 876(c). I'll read
24 those in a minute.

1:56PM 25 But the maximum possible sentence for each of those

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counts is a term of imprisonment of 10 years; a fine of \$250,000; a mandatory \$100 special assessment; and a term of supervised release of 3 years.

And the elements that the government would need to prove for each of Counts 5, 6 and 7 beyond a reasonable doubt are:

First, that the defendant threatened to injure any person as alleged in the indictment;

Second, that the defendant deposited or caused to be deposited in the mail for delivery by the United States

Postal Service the communications containing the threats;

Third, that the defendant mailed the threat knowingly;

And, fourth, that the threat was addressed to a federal judge or to a law enforcement officer.

Count 5 alleges on or about March 25th, 2019, in the Western District of New York, and elsewhere, the defendant, Jared Marc Brown, did knowingly and willfully cause to be delivered by the United States Postal Service according to the direction thereon, a communication, postmarked March 20, 2019, addressed to United States Secret Service Special Agent

Vincent Merlino, a federal law enforcement officer, and containing a threat to injure the President of the United States, United States District Judge Lawrence J. Vilardo, Judge Vilardo's spouse, and Special Agent Vincent Merlino.

Count 6 alleges that on or about July 11th, 2019, in the Western District of New York, and elsewhere, the defendant,

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1:57PM 1 Jared Marc Brown, did knowingly cause to be delivered by the
2 United States Postal Service according to the direction
3 thereon, a communication, postmarked July 9th, 2019,
4 addressed to United States Secret Service Special Agent
1:57PM 5 Vincent Merlino, a federal law enforcement officer, and
6 containing a threat to injure the President of the United
7 States, United States District Judge Lawrence J. Vilardo, and
8 Special Agent Vincent Merlino.
9 Count 7 alleges that:
1:57PM 10 On or about November 1, 2019, in the Western District of
11 New York, and elsewhere, the defendant, Jared Marc Brown, did
12 knowingly cause to be delivered by the United States Postal
13 Service according to the direction thereon, a communication,
14 postmarked October 30, 2019, addressed to United States
1:58PM 15 District Judge Lawrence J. Vilardo, a United States judge,
16 and containing a threat to injure Judge Vilardo, United
17 States Secret Service Special Agents Vincent Merlino, Roberta
18 Kane, and others.
19 **THE COURT:** Thank you, Mr. Field.
1:58PM 20 Mr. Brown, do you understand what the government would
21 have to prove at trial for all seven of these charges?
22 **THE DEFENDANT:** I do.
23 **THE COURT:** Okay. And you understand that at trial, the
24 government's burden of proof is it has to prove it beyond a
1:58PM 25 reasonable doubt?

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1:58PM 1 **THE DEFENDANT:** I do.

2 **THE COURT:** And do you understand the maximum possible

3 penalties for these crimes that Mr. Field has just described?

4 **THE DEFENDANT:** I do.

1:58PM 5 **THE COURT:** And do you understand that because you are

6 pleading guilty to all of these counts, to all seven of these

7 counts, there could be sentences that are consecutive? That

8 means sentences -- that you'd have to complete the sentence

9 on one count before another count. They could be ordered to

1:59PM 10 be served consecutively, the maximum possible sentence.

11 **THE DEFENDANT:** I understand.

12 **THE COURT:** Okay. Have you and your attorney talked

13 about how the advisory Sentencing Guidelines might apply to

14 your case?

1:59PM 15 **THE DEFENDANT:** Yes.

16 **THE COURT:** Okay. And has the government determined --

17 the government and counsel but I'll ask the government

18 first -- calculated an estimated Guidelines range?

19 **MR. FIELD:** Yes, your Honor.

1:59PM 20 I would note that in our Pimentel submission dated

21 March 23rd, 2022, which is document 105 on the docket, the

22 government performed a calculation. That government's

23 position has now modified.

24 At this point, the government does not believe that

2:00PM 25 Mr. Brown should receive credit for accepting responsibility

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1 which would eliminate a proposed, you know, 2-level decrease
2 that was contained in the government's prior Pimentel
3 submission.

4 The net result of that is that, based on the
5 calculations, that he would have a total offense level of 28.
6 His Criminal History Category is VI.

7 And on that basis, there need to be some adjustments
8 made, the most significant one of which, of course, is to the
9 term of imprisonment which becomes 140 months to 175 months.

10 **THE COURT:** Okay. And since you've spoken with your
11 attorney about the Sentencing Guidelines, do you understand
12 what Mr. Field has just said is the advisory sentencing
13 Guideline range is what the government believes it is?

14 **THE DEFENDANT:** (Nodding yes.)

15 **THE COURT:** And do you understand that I can't determine
16 the advisory Guideline range for your case until I see a
17 presentence report and both your attorney and the government
18 has had an opportunity to respond to the Guidelines
19 recommended by the probation officer?

20 **THE DEFENDANT:** I understand.

21 **THE COURT:** So, do you also understand the sentence that
22 I ultimately impose may be different from any estimate that
23 your attorney has given you?

24 **THE DEFENDANT:** I understand.

25 **THE COURT:** And do you understand that after a

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2:01PM 1 Guidelines range has been determined, I have the authority,
2 in some circumstances, to depart upward or downward from that
3 range, and I can look at other statutory sentencing factors
4 that may result in the imposition of a sentence that's either
2:01PM 5 greater or lesser than the advisory Guideline range?

6 **THE DEFENDANT:** I understand.

7 **THE COURT:** So I may come up with a Guideline range
8 that's either higher than the government's estimate or higher
9 than you expected or lower. At this point I just can't say.

2:01PM 10 **THE DEFENDANT:** I understand.

11 **THE COURT:** Okay. Do you understand the possible -- all
12 the possible consequences of your plea that I've just
13 reviewed with you?

14 **THE DEFENDANT:** Yes.

2:02PM 15 **THE COURT:** And has your lawyer or any United States
16 Attorney or any government agent or anyone else made any
17 promise that you would be treated leniently or any other kind
18 of promise to induce you to plead guilty?

19 **THE DEFENDANT:** No.

2:02PM 20 **THE COURT:** Has anyone threatened you or forced you to
21 plead guilty?

22 **THE DEFENDANT:** No.

23 **THE COURT:** Are you pleading guilty freely and
24 voluntarily?

2:02PM 25 **THE DEFENDANT:** Yes.

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2:02PM 1 **THE COURT:** Has anyone made a promise to you as to what
2 your sentence will be?
3 **THE DEFENDANT:** No.
4 **THE COURT:** And do you understand that if your lawyer,
2:02PM 5 or anyone else, attempted to predict what your sentence would
6 be, that their prediction could be wrong?
7 **THE DEFENDANT:** I understand.
8 **THE COURT:** Do you understand that no one -- not your
9 lawyer or the government's lawyer -- no one can give you any
2:02PM 10 assurance of what your sentence will be, since I'm going to
11 decide this sentence after I've reviewed the presentence
12 report prepared by the probation department and also reviewed
13 the submissions of your attorney and the government counsel?
14 **THE DEFENDANT:** I understand.
2:03PM 15 **THE COURT:** Do you understand that as a result of your
16 guilty plea, you may lose certain valuable civil rights, to
17 the extent you have them now or could otherwise obtain them,
18 such as the right to vote, the right to hold public office,
19 the right to serve on a jury, and the right to possess any
2:03PM 20 kind of firearm?
21 **THE DEFENDANT:** I understand.
22 **THE COURT:** And are you currently serving a sentence for
23 another crime?
24 **THE DEFENDANT:** No, your Honor.
2:03PM 25 **THE COURT:** Okay.

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2:03PM 1 **MR. GREEN:** The supervised release violation has
2 expired.

3 **THE COURT:** Okay.

4 **MR. FIELD:** He's just being held on these charges now,
2:03PM 5 Judge.

6 **THE COURT:** Thank you. I didn't know that. Okay.

7 And I understand there's no written plea agreement
8 entered into in this case; is that correct?

9 **MR. FIELD:** That's correct.

2:03PM 10 **MR. GREEN:** That's correct.

11 **THE COURT:** So, Mr. Brown, can you tell me in your own
12 words what you did that makes you believe that you're guilty
13 of the crimes charged in the superseding indictment?

14 **THE DEFENDANT:** I sent them letters out as a threat to
2:04PM 15 scare the government officials Merlino and Vilardo.

16 **THE COURT:** Okay. And you admit that you sent all three
17 of the letters that are at issue in this case?

18 **THE DEFENDANT:** Yes, your Honor.

19 **THE COURT:** Is there any further inquiry the government
2:04PM 20 counsel asks the Court to make with respect to the defendant?

21 **MR. FIELD:** Yes, Judge.

22 I would just -- just to amplify -- maybe follow up and
23 ask the defendant if he also admits that he sent a threat
24 that involved killing Donald Trump, as well, which would be
2:04PM 25 the basis for Count 1. And that, if not, the government

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2:04PM 1 obviously would rely on the testimony that was adduced at the
2 trial to this point to support the factual basis for the plea
3 that Mr. Brown says he wishes to enter.

4 **THE COURT:** Okay. And, Mr. Brown, do you admit that you
2:05PM 5 wrote the letter where you threatened to kill Donald Trump
6 with Anthrax when you get out?

7 **THE DEFENDANT:** Yes, your Honor.

8 **THE COURT:** And, as I understand it, there are three
9 letters that have been admitted into evidence in this case?

2:05PM 10 **MR. FIELD:** That's correct, Judge.

11 **THE COURT:** And, Mr. Brown, you admit that you wrote --
12 you wrote and mailed all three of those letters?

13 **THE DEFENDANT:** Yes, your Honor.

14 **MR. FIELD:** And then, finally, your Honor, I believe
2:05PM 15 that the defendant should admit that his motive for sending
16 the letters was to -- at least as to Counts 2, 3, and 4 --
17 was to retaliate against Judge Vilardo and Vincent Merlino on
18 the basis of, you know, their earlier involvement with his
19 2015 prosecution; that is, their official duties.

2:05PM 20 **THE COURT:** Yes. Let me ask you, Mr. Brown: With
21 respect to the letters that you wrote regarding your threats
22 to Judge Vilardo, and also Special Agent Merlino, did you
23 make those with the intent to retaliate against those
24 officials because of their performance of their official
2:06PM 25 duties; that is, the investigation and sentencing of you in

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the prior threat case?

THE DEFENDANT: Yes.

THE COURT: Okay. And do you acknowledge that the statements you made, you made them intending them to be a

threat or with knowledge that the statements would be viewed as a threat?

THE DEFENDANT: Yes.

THE COURT: Anything further on -- with respect to that colloquy?

MR. FIELD: I think that's sufficient, Judge.

THE COURT: Okay.

MR. FIELD: As amplified by the proof at trial.

THE COURT: Yes, okay.

And do both counsel agree there's a sufficient factual predicate for a guilty plea?

MR. FIELD: Government agrees.

MR. GREEN: Yes.

THE COURT: Okay. And at this point, I'll ask my courtroom deputy to take your plea to the superseding indictment.

Let me make sure that you have a copy of the superseding indictment.

(WHEREUPON, a discussion was held off the record between courtroom deputy and Judge Sannes.)

THE CLERK: Count 1, Threat to the President.

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2:07PM 1 On or about March 25th, 2019, in the Western District of
2 New York, and elsewhere, the defendant, Jared Marc Brown, did
3 knowingly and willfully make a threat to take the life of,
4 and to inflict bodily harm upon, the President of the United
2:07PM 5 States, specifically, the defendant sent a letter to the
6 United States Secret Service Special Agent Vincent Merlino,
7 in which the defendant wrote, "I'm gonna kill Donald Trump
8 with Anthrax when I get out".

9 How do you plead?

2:08PM 10 **THE DEFENDANT:** Guilty.

11 **THE CLERK:** Count 2: Retaliating Against a United
12 States Judge.

13 On or about March 25th, 2019, in the Western District of
14 New York, and elsewhere, the defendant, Jared Marc Brown, did
2:08PM 15 threaten to assault and murder United States District Judge
16 Lawrence J. Vilardo, with intent to retaliate against Judge
17 Vilardo on account of performance of his official duties.

18 How do you plead?

19 **THE DEFENDANT:** Guilty.

2:08PM 20 **THE CLERK:** Count 3: Retaliating Against a United
21 States Judge's Immediate Family.

22 On or about March 25th, 2019, in the Western District of
23 New York, and elsewhere, the defendant, Jared Marc Brown, did
24 threaten to assault and murder a member of the immediate
2:08PM 25 family of a United States District Judge Lawrence J. Vilardo,

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2:08PM 1 that is, Judge Vilardo's spouse, with intent to retaliate
2 against Judge Vilardo, on account of performance of his
3 official duties.

4 How do you plead?

2:09PM 5 **THE DEFENDANT:** Guilty.

6 **THE CLERK:** Count 4: Retaliating Against a Federal Law
7 Enforcement Officer.

8 On or about March 25th, 2019, in the Western District of
9 New York, and elsewhere, the defendant, Jared Marc Brown, did
2:09PM 10 threaten to assault and murder United States Secret Service
11 Special Agent Vincent Merlino, a federal law enforcement
12 officer, with intent to retaliate and against Special Agent
13 Merlino on account of the performance of his official duties.

14 How do you plead?

2:09PM 15 **THE DEFENDANT:** Guilty.

16 **THE CLERK:** Count 5.

17 On or about March 25th, 2019, in the Western District of
18 New York, and elsewhere, the defendant, Jared Marc Brown, did
19 knowingly and willfully cause to be delivered by the United
2:09PM 20 States Postal Service according to the direction thereon, a
21 communication, postmarked March 20th, 2019, addressed to
22 United States Secret Service Special Agent Vincent Merlino, a
23 federal law enforcement officer and containing a threat to
24 injure the President of the United States, United States
2:10PM 25 District Judge Lawrence J. Vilardo, Judge Vilardo's spouse,

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2:10PM 1 and Special Agent Vincent Merlino.

2 How do you plead?

3 **THE DEFENDANT:** Guilty.

4 **THE CLERK:** Count 6.

2:10PM 5 On or about July 11th, 2019, in the Western District of
6 New York, and elsewhere, the defendant, Jared Marc Brown, did
7 knowingly cause to be delivered by the United States Postal
8 Service according to the direction thereon, a communication,
9 postmarked July 9th, 2019, addressed to United States Secret
2:10PM 10 Service Special Agent Vincent Merlino, a federal law
11 enforcement officer, and containing a threat to injure the
12 President of the United States, United States District Judge
13 Lawrence J. Vilardo, and Special Agent Vincent Merlino.

14 How do you plead?

2:10PM 15 **THE DEFENDANT:** Guilty.

16 **THE CLERK:** Count 7: Mailing Threatening Communication.

17 On or about November 1st, 2019, in the Western District
18 of New York, and elsewhere, the defendant, Jared Marc Brown,
19 did knowingly cause to be delivered by the United States
2:11PM 20 Postal Service according to the direction thereon, a
21 communication, postmarked October 30th, 2019, addressed to
22 United States District Judge Lawrence J. Vilardo, a United
23 States Judge and containing a threat to injure Judge Vilardo,
24 United States Secret Service Special Agents Vincent Merlino
2:11PM 25 and Roberta Kane, and others.

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2:11PM 1 How do you plead?

2 **THE DEFENDANT:** Guilty.

3 **THE COURT:** And, Mr. Green, could you state for the
4 record your background and experience, particularly with
2:11PM 5 reference to federal criminal sentencing.

6 **MR. GREEN:** Gosh, I first started practicing in federal
7 court in 1989 as the Assistant U.S. Attorney. Countless
8 cases of -- the Sentencing Guidelines did exist in those
9 days, by the way -- so I was involved in countless cases
2:12PM 10 involving Guidelines.

11 Since 1993, I've been in private practice handling
12 federal cases -- it's got to be probably close to a hundred
13 by now -- most of which wind up with experience in the
14 Sentencing Guidelines.

2:12PM 15 I'm not sure what else... I like to think I'm
16 proficient in federal criminal court matters.

17 **THE COURT:** Okay, thank you. And how much time have you
18 spent with the defendant?

19 **MR. GREEN:** Person to person, very little. As I stated
2:12PM 20 before, the first time I met him -- and as the Court's well
21 aware, I am second attorney in this matter.

22 The first time we had a face-to-face, I had already
23 called the date but it was the date that it was going to be a
24 plea. Prior to that time, all of our communications, and
2:13PM 25 since that time prior to trial, have been by telephone.

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2:13PM 1 And sometimes I've been able to reach Mr. Brown by
2 telephone. Sometimes I'm not. But in the time period
3 between the aborted plea the last time and this trial,
4 probably we were on the phone maybe a half dozen times.

2:13PM 5 **THE DEFENDANT:** (Nodding yes.)

6 **MR. GREEN:** Usually lasting anywhere from 45 minutes to
7 an hour 15 in preparation. And, of course, the last two days
8 we've been in contact as well, too.

9 **THE COURT:** Okay. Thank you, Mr. Green.

2:13PM 10 And have you advised Mr. Brown of his rights, of the
11 nature of the charges against him, and the consequences of
12 pleading guilty?

13 **MR. GREEN:** I have.

14 **THE COURT:** And do you feel that you've had full
2:13PM 15 discovery in this case?

16 **MR. GREEN:** I did.

17 **THE COURT:** Have you made any promises or threats to
18 induce Mr. Brown to plead guilty?

19 **MR. GREEN:** None.

2:14PM 20 **THE COURT:** And are you satisfied he's pleading guilty
21 freely and voluntarily, with an understanding of the nature
22 of the charges and the consequences?

23 **MR. GREEN:** I do.

24 **THE COURT:** Do you know of any reason why he should not
2:14PM 25 plead guilty?

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2:14PM 1 **MR. GREEN:** No.

2 **THE COURT:** Is there anything else either counsel would
3 like to put on the record?

4 **MR. FIELD:** Nothing, your Honor.

2:14PM 5 I would just note the, as your Honor had referred to
6 previously, there have been three different evaluations by
7 trained psychologists. All have determined that he's
8 competent. And that while he was represented by prior
9 counsel, you know, she had withdrawn any objection to the

2:14PM 10 conclusions of those psychologists and agreed that she
11 thought that he was competent, as well. And, of course,
12 Mr. Brown himself had represented that he was competent at
13 that time.

14 **THE COURT:** Yes. And based upon my observations of his
2:14PM 15 demeanor throughout the trial and my observations of his
16 demeanor today, I do find that he's competent to enter his
17 plea of guilty.

18 Based on my discussions with Mr. Brown, his attorney,
19 and the Assistant United States Attorney, I find that

2:15PM 20 Mr. Brown has pled guilty voluntarily to the seven charges
21 in the superseding indictment, that he was competent to enter
22 a plea and admit to these charges, and that he understands
23 the charges against him and the consequences of pleading
24 guilty and that there's a basis in fact for the Court to

2:15PM 25 accept his plea.

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2:15PM 1 Mr. Brown, the probation office will want to interview
2 you in connection with a presentence report that it will
3 prepare.

4 If you choose to speak to the probation office, please
2:15PM 5 make sure anything you say is truthful and accurate. I will
6 read their report carefully and it's important to me in
7 deciding what sentence to impose.

8 You and your attorney have a right to review the report
9 and comment on it at the time of sentencing. And I urge you
2:15PM 10 to read it and discuss it with your attorney before
11 sentencing.

12 If there are any mistakes in the report, point them out
13 to your attorney so he can bring them to my attention before
14 sentencing.

2:16PM 15 At this point I don't have a set date for sentencing but
16 we will get a date for sentencing and notify counsel of the
17 sentencing date.

18 (WHEREUPON, a discussion was held off the record
19 between Mr. Green and defendant.)

2:16PM 20 **THE COURT:** And at this point unless there's anything
21 further, I will order that Mr. Brown be remanded to the
22 United States Marshal Service pending sentencing and this
23 case will be concluded and I will go notify the jury that the
24 case has been resolved.

2:16PM 25 **MR. FIELD:** Yes, Judge, I agree with that.

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2:16PM 1 **MR. GREEN:** That's fine.

2 **THE COURT:** Okay.

3 **MS. HARTFORD:** Your Honor, may I make a request before
4 you do dismiss the jury -- and this is within the Court's

2:16PM 5 discretion, of course -- but I would value an opportunity to
6 speak with any jurors who would be willing to speak with me
7 in order to get feedback about my performance as a trial
8 attorney in this case.

9 **THE COURT:** I'll be happy to ask them if they would like
2:17PM 10 to speak with you.

11 Also Mr. Green?

12 **MR. GREEN:** That's okay.

13 **MS. HARTFORD:** He's got a few more years of experience
14 in trials under his belt than I do.

2:17PM 15 **MR. GREEN:** I've only gotten pissed off when I talk to
16 juries afterwards so...

17 **THE COURT:** So Mr. Brown is remanded to the custody of
18 United States Marshal Service.

19 Mr. Brown, please take care of yourself and good luck to
2:17PM 20 you and we'll see you at sentencing.

21 **THE DEFENDANT:** Yeah.

22 (WHEREUPON, proceedings adjourned.)
23
24
25

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CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I
certify that these original notes are a true and correct
record of proceedings in the United States District Court
of the Western District of New York before the
Honorable Brenda K. Sannes on May 17, 2022.

S/ Diane S. Martens

Diane S. Martens, FCRR, RPR
Official Court Reporter